IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 74 OF 2006.
IN
CIVIL APPLICATION NO. 279 OF 2006
IN
APPEAL FROM ORDER (ST) NO. 6496 OF 2006.

Mohd. Ibrahim Mohd. Esa .. Applicant.
V/s.
Municipal Corporation of
Gr. Mumbai & ors. .. Respondents.

Shri Ashok Mishra for V.V. Mishra for the applicant.

Ms. Geeta Joglekar for BMC.

CORAM: A.M. KHANWILKAR,J.
DATED: 21st July 2006.

P.C.:

. The reason given in the application is unacceptable; for the Advocate cannot fully depend on the Clerk for being informed as to what matters are listed before the Court. Advocate is also expected to watch the board himself to ensure that no matter in which he is appearing is listed before the Court on the given date. However, litigant should not suffer for the mistake of the Advocate, application is allowed in terms of prayer clause (a), on condition that Advocate for the applicant shall personally pay costs to the High Court Legal Services Authority, quantified in the sum of Rs. 1500/- (Rs. one thousand five hundred), within one week from today, failing which office to treat this applicaton as having been dismissed for non-prosecution.

. If steps are taken in time, restore Civil Application No. 279/2006 to file and list it for hearing in due course.

. Counsel for the Corporation submits that the applicant should make a statement as to whether suit structure is in existence. It is not necessary to consider this prayer at this stage. That aspect can be considered at the appropriate time.

(A.M. KHANWILKAR,J.)